

ATTORNEY'S DOCKET NO: B0932/7134 NPF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

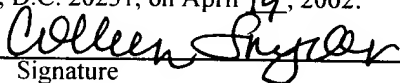
Applicant: Carpenter et al.
Serial No: 09/498,950
Filed: February 4, 2000
For: ADJUSTABLE BINDING STRAP FOR SECURING A
SNOWBOARDING BOOT TO A BASEPLATE

Examiner: Vanaman, F.
Art Unit: 3611

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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on April 19, 2002.


Signature

Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF CHRISTOPHER M. DOYLE UNDER 37 C.F.R. §1.131

Sir:

I, Christopher Doyle, hereby declare that:

1. I am one of the joint inventors of the above-captioned patent application. As explained in detail herein, the claimed binding strap, which the Examiner has suggested is disclosed in U.S. Patent 6,293,577 (" '577 patent"), was jointly conceived by me and my co-inventor, Jake B. Carpenter, prior to October 3, 1996, which is the filing date of the '577 patent, and was, under my and/or Jake's direction and supervision, reduced to practice before October 3, 1996. My testimony herein is supported by copies of documents, attached hereto as Exhibits and made a part hereof (the actual dates, unrelated information and dimensions/tolerances have been blocked out). The events recited herein occurred in the United States unless stated to the contrary.

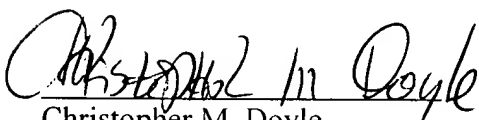
2. Binding straps are typically employed in a snowboard binding to secure a snowboard boot to a snowboard. In particular, the straps are mounted to the snowboard binding baseplate and secured about the boot of the rider. The straps hold the boot within the binding and transmits forces from the rider to the board. Attached at Exhibit A is a photo of a typical binding including a toe strap 10 and a separate ankle strap 12 that cooperate to secure the boot to the binding. An end of the ankle strap 12 is mounted on one side of the binding baseplate 16. A ratchet buckle 18 is attached to an opposite end of the strap 12 and engages with an engagement strap 20 that is mounted to the opposite side of the binding baseplate 16 to tighten the ankle strap 12 about a rider's boot. As shown, the ankle strap 12 includes a plurality of holes 22 so that a rider can select one of the holes to mount the strap 12 to the binding baseplate 16. In this manner, depending on which hole 22 is selected, the length of the ankle strap can be adjusted. Any portion 24 of the strap 12 extending beyond the wall of the baseplate 16 is typically cut off.
3. Jake and I were involved with a project at The Burton Corporation, the assignee of the above-captioned application, directed at developing a one-strap binding (i.e., a binding with combined ankle and toe straps, as will be discussed). The one-strap binding included a single, unitary binding strap member having a toe-strap section and an ankle-strap section. Each of the ankle and toe strap sections included an attached mounting strap segment used to join the one-strap to the binding in a manner similar to the two-strap binding described in Paragraph 2. Each mounting segment included a number of holes to allow a rider to mount the strap to the binding. Any excess strap on the mounting segment that extended beyond the binding baseplate would have been cut off. Ratchet buckles were also attached to the strap and engaged with engagement straps mounted to the opposite side of the binding baseplate to tighten the strap about a rider's boot. A sketch of the one-strap that I drew prior to the filing date, and which I indicated the date of the drawing at the time I made the sketch, is shown at Exhibit B. The date on the copy at Exhibit B is blocked out.
4. A marked-up version of the sketch of Exhibit B, including labels for the various components of the one-strap, has been prepared for the purposes of this Declaration and

is Attached at Exhibit C. As illustrated, the one-strap 10 included a single, unitary binding strap member 12 having a toe-strap section 14 and an ankle-strap section 16. Mounting strap segments 18, 20 were attached to the ankle-strap section 16 and the toe-strap section 14, respectively, and each had a number of holes 22 to allow a rider to mount the one-strap 10 to the binding (not shown). Opposite the mounting strap segments, the unitary binding strap member 12 also included holes 24 to mount ratchet buckles (not shown). Engagement straps (not shown) would have been mounted to the opposite side of the binding baseplate to allow the one-strap to be tightened about a rider's boot. Any excess portion of the mounting strap segment 18 extending beyond the binding baseplate would be cut off, as in the past.

5. Prior to the filing date of the '577 patent, Jake and I met to discuss a variety of strap issues, including a way to get rid of the hanging end of the mounting strap. We decided to adjustably attach the mounting segment 18 to the ankle-strap section 16 so that the length of the strap could be adjusted by changing the attachment location between the mounting segment 18 and the ankle-strap section 16 rather than between the mounting segment 18 and the binding baseplate, as had been done in the past, thereby eliminating the need to cut off the excess strap segment. Specifically, we decided to adjust the length of the strap by overlapping the mounting strap segment 18 and the binding strap member 12 and varying the attachment point of the overlapped ends.
6. Further, prior to the filing date of the '577 patent but after January 1, 1996, I went on a business trip to the Diavolezza ski area in Pontresina, Switzerland to have tested various strap concepts that we were considering. I brought with me a variety of one-strap versions (as well as other snowboard related items I was involved with) and various tools, including, for example, a power tool (Dremel®), cutting blades, foam padding, drill bits, knives (X-Acto® knives), epoxies and a mini vice, all to allow me to modify any of the designs. The list of items is shown in Exhibit D, which is a copy of a list (with date deleted) contemporaneously recording the items I brought. During that trip, I formed a prototype binding strap by cutting the end of the ankle-strap section and positioning the mounting segment in between the layers of material forming the one-strap. Although the

strap was still adjustable between the mounting segment and the ankle-strap section, the excess mounting strap was held between the layers of the one-strap at the ankle-strap section location. In this manner, the length of the strap could be adjusted by telescoping the mounting strap within the ankle-strap section. During this business trip, I placed the prototype strap on my snowboard binding and tested it while snowboarding. Three other test riders also test rode a binding having a prototype strap. I concluded that the prototype performed well because the ankle-strap section remained securely fastened to the mounting strap.

7. Thus, the claimed binding strap, which the Examiner has suggested is disclosed in the '577 patent, was jointly conceived by me and my co-inventor, Jake B. Carpenter, prior to the filing date of the '577 patent, and was, under my and/or Jake's direction and supervision, reduced to practice before the filing date of the '577 patent.
8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with knowledge that all statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Christopher M. Doyle

15 April 02
Date

EXHIBIT A



EXHIBIT B



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one strap possible conf.

STOCK:

⑧ 6"

4" - measured from bottom!

① Feed back

② Root Good

③ F.A. by Aunt E

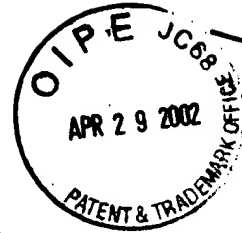
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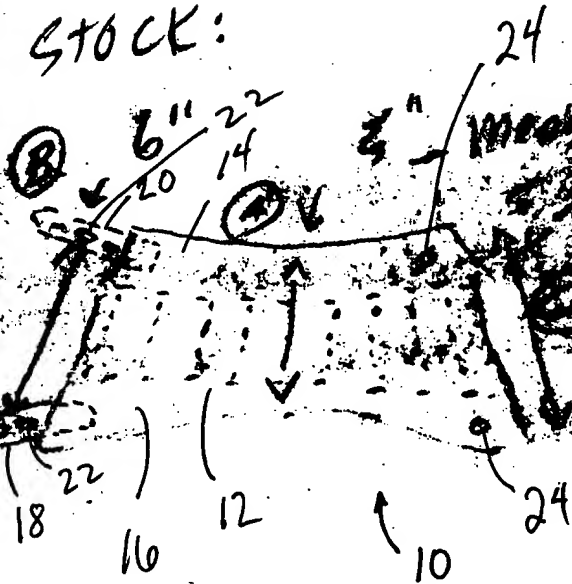
EXHIBIT C

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off strap possible conf.

stock:



Measured from Bottom!

① Feed Back

- ② Real Good
- ③ F.A. by Aunt E

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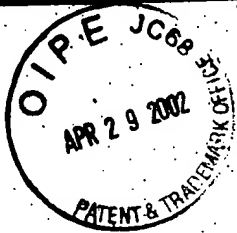


EXHIBIT D

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Tom.

Fet-Ex 2-bar 20 Head Haver ✓
All stuff inside door of office ✓
2 sets custom sh. ✓
Fit rulers to X-BASE ✓



Checklist for Swiss Trip

- ① X-base ... Joltanic sq & the ones I made for Jesse.
- ② 3 sets F/S rails w/ H.B & strips
- ③ PARTS enough to build FX
- ④ Boards (home & work)
- ⑤ TOOLS, tuning & Building
- ⑥ Epoxies
- ⑦ CIA & Kicker
- ⑧ Several types of strips
- ⑨ Drill Bits
- ⑩ wax
- ⑪ TAP
- ⑫ Resin Book (promabls)
- ⑬ PASSPORT
- ⑭ Opened w/cutting Blade,
- ⑮ Extension cord
- ⑯ Mini vice from my Bench
- ⑰ FORTA Foam
- ⑱ Sun Screen
- ⑲ Custom F/S w/ Anything you can think of that will stiffen it.
- ⑳ C-Fiber Glass
- ㉑ All 1 strip versions
- ㉒ Shades
- ㉓ X-Acto Knives

Custom Straps Hurts

OK But would like

2 weeks of July in NZ
in America

C864@Aol.com

on.

file:

land



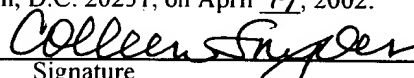
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Commissioner for Patents
Washington, D.C. 20231

CONFIRMATORY DECLARATION OF JAKE B. CARPENTER
UNDER 37 C.F.R. §1.131

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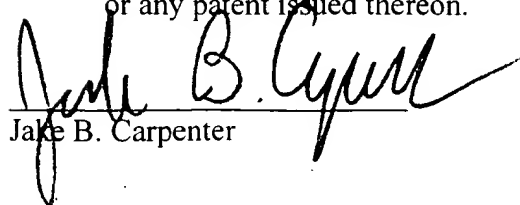
Sir:

MAY 06 2002

GROUP 3600

I, Jake B. Carpenter, hereby declare that:

1. I am one of the joint inventors of the above-captioned patent application. I have read the declaration of Christopher Doyle, my co-inventor in the above-captioned application, and confirm that, to the best of my knowledge, the statements made therein are accurate and true.
2. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with knowledge that all statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Jake B. Carpenter

APRIL 17, 2002
Date